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ABSTRACT

The range of nonpublic schools in the United States is considerable, from home instruction by parents to prestigious private schools, with or without religious affiliation. The continuing growth in nonpublic education can hardly be blamed on a disenchantment with or an apathy toward public schools; the central common denominator is a basic concern that parents should be able to determine the forum for education. While not itself the sole cause for withdrawal of children from a public school, the inability of parents to effect changes in public school programs or curricula because of judicially imposed impediments has probably contributed to parental and student frustration. Within the six sections of this document, select legal problems of religious and private schools are examined including: (1) tort liability regarding such topics as charitable immunity, field trips, and supervision of students; (2) institution, student, and faculty relations and constitutional and contractual considerations; (3) governing board liability; (4) governmental regulation of nonpublic schools; (5) federal antidiscrimination legislation; and (6) special problems including the issues of copyrights, the bankruptcy code and students debts, and the Immigration and Reform Control Act. (753 references) (KM)

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